

Appl. No. 10/799,940
Docket No. 8133/Z-03366
Amdt. dated August 16, 2006
Reply to Office Action mailed on May 17, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-51 are pending in the present application. No additional claims fee is believed to be due.

Claims 1-20 and 35-51 are withdrawn.

Claim 34 is canceled without prejudice.

Claim 21 has been amended to add a trimming guard and a trimming cap to the trimming assembly and that the trimming assembly be a separate piece from the housing that is connected to the housing. Support for the amendment is found at page 11, line 1 – page 12, line 21 of the specification.

Claim 33 has been amended to delete some text that raised a lack of antecedent basis issue.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §112, Second Paragraph

The Office Action States that Claims 33 and 34 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 33 is cited as having insufficient antecedent basis for the limitation “the cartridge housing”. Claim 33 has been amended to delete this limitation. Claim 34 has been canceled.

Rejection Under 35 USC §102 Over Rozenkranc

Claims 21 and 22 have been rejected under 35 USC §102(b) as being anticipated by Rozenkranc (US 6,276,061). It is noted that the Office Action references “US 6,276,064” which is believed to be a typographical error. Accordingly, applicant will

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respond to the Office Action based upon Rozenkranc (US 6,276,061) which is the correct number.

Independent claim 21 requires that the trimming assembly have a trimming guard, a trimming cap and that the trimming assembly be a separate piece from the housing that is connected to the housing. Rozenkranc fails to anticipate claim 21 as Rozenkranc fails to disclose three elements: (1) a trimming guard, (2) a trimming cap, and (3) a separate trimming assembly as the trim blade of Rozenkranc is mounted in the same body as the shaving blades, col. 1, lines 42-44. Therefore, the claimed invention is novel and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) Over Koeppen in view of Rozenkranc

Claims 21-26 and 29-31 have been rejected under 35 USC §103(a) as being unpatentable over Koeppen (German Patent No. DE 3635553) in view of Rozenkranc. According to the Office Action, it would have been obvious to modify Koeppen to incorporate the teachings of Rozenkranc to incorporate a trimming assembly and blade capable of being guided along a skin surface for the purpose of enabling a user to properly trim sideburns and similar positions.

The rejection of the Office Action is classic improper hindsight reconstruction. Koeppen is silent about any motivation to have a trimming blade or trimming assembly. The Office Action refers to the motivation of enabling a user to trim sideburns and the like. However, this motivation can not be found in Koeppen. Accordingly, there is no motivation to combine the trimmer of Rozenkranc with the razor of Koeppen. Thus, independent claim 21 is patentable over Koeppen in view of Rozenkranc. Claims 22-26 and 29-31 all depend from independent claim 21, either directly or indirectly, and thus are patentable over Koeppen in view of Rozenkranc for the same reasons as independent claim 21.

Rejection Under 35 USC §103(a) Over Apprille et al. in view of Rozenkranc

Claims 21-23, 25 and 32-34 have been rejected under 35 USC §103(a) as being unpatentable over Apprille et al. (US 5,965,851) in view of Rozenkranc. Claim 34 has been canceled. According to the Office Action, it would have been obvious to modify Apprille et al. to incorporate the teachings of Rozenkranc to incorporate a trimming

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assembly and blade capable of being guided along a skin surface for the purpose of enabling a user to properly trim sideburns and similar positions.

The rejection of the Office Action is classic improper hindsight reconstruction. As with Koeppen mentioned above, Apprille et al. is silent about any motivation to have a trimming blade or trimming assembly. The Office Action refers to the motivation of enabling a user to trim sideburns and the like. However, this motivation can not be found in Apprille et al. Accordingly, there is no motivation to combine the trimmer of Rozenkranc with the razor of Apprille et al. Thus, independent claim 21 is patentable over Apprille et al. in view of Rozenkranc. Claims 22-23, 25 and 32-33 all depend from independent claim 21, either directly or indirectly, and thus are patentable over Apprille et al. in view of Rozenkranc for the same reasons as independent claim 21.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §112, 35 USC §102(b), and 35 USC §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 21-33 is respectfully requested.

Respectfully submitted,

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By


Signature

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